

## EXHIBIT 8

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1 Q In November of 2003?

2 A Yes.

3 (The document was marked as Exhibit  
4 No. 3.)

5 Q Mrs. Charles, I'm going to put before you a  
6 document that has been marked as Exhibit 3.  
7 This is document titled, Renewal Offer/Premium  
8 Invoice, and I'm going to ask you if this is the  
9 document to which you are referring as having  
10 received in November of 2003?

11 A (Witness reviews document.) It looks like it.

12 MR. MICHENZIE: I'm going to mark  
13 another exhibit, Exhibit 4.

14 (The document was marked as Exhibit  
15 No. 4.)

16 Q Mrs. Charles, this is a document entitled  
17 Expiration Notification Homeowners Policy  
18 Program, and this is dated December 4, 2003.  
19 Did you receive this document with Exhibit 3 in  
20 November of 2003?

21 MR. HOYT: Objection. I need you to  
22 clarify. I'm not sure I understood the last  
23 little parts of that.

24 A This one with One Call Insurance Agency, One

1 Q So you think you received something that looks  
2 like Exhibit 3 from MPIUA?

3 A Yes.

4 Q When did you receive that?

5 A That was in December month. I really can't  
6 recall when it was.

7 Q So you don't know when you received it.

8 A No, I can't remember exactly when it was.

9 Q But it was November or December?

10 A November or December month, yes.

11 Q Of 2003?

12 A Yes, but late into the November month to early  
13 December.

14 Q Did you maintain a copy of that after the fire?

15 A No, that was destroyed by the water.

16 Q That was destroyed?

17 A Yes.

18 Q I want to get back again to the document  
19 production, Exhibit 2. You did not have a copy  
20 of Exhibits 3 or 4 that survived the fire; is  
21 that right?

22 A This one, Exhibit 4, I think only a part of this  
23 I had. Exhibit 4.

24 Q You had part of Exhibit 4?

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1 Call never sent out notice of premium to me. It  
2 was --

3 Q Which document are you referring to?

4 A This one.

5 Q Exhibit 3.

6 A 3, okay. It was -- what do they call the  
7 insurance itself?

8 MR. HOYT: If you don't know, I won't  
9 be able to help you.

10 Q The actual insurance company?

11 A This is the agent. This is the agent.

12 Q Did you receive something from MPIUA, the  
13 Massachusetts Property Insurance Underwriting  
14 Association?

15 A Yes.

16 Q Exhibit 4, is that what you received?

17 A No, what I received from the insurance company  
18 was something like this where you tear off and  
19 send in the payment to the bank.

20 Q So you received something like Exhibit 3?

21 A Yes.

22 Q I'm going to refer to the Massachusetts Property  
23 Insurance Underwriting Association as MPIUA.

24 MR. WHOLLEY: That's fine.

1 A Yes.

2 Q Did you give that to your counsel?

3 A I think so.

4 MR. MICHENZIE: Have you produced a  
5 copy of that?

6 MR. HOYT: There's thousands of  
7 documents. I have no idea what we have produced  
8 or not produced.

9 MR. MICHENZIE: I have what you  
10 produced, and I only have a partial copy of that  
11 exhibit. I don't have anything that looks like  
12 it was fire damaged, water damaged in any way.

13 MR. HOYT: I will state unequivocally  
14 that we've produced everything that is non  
15 objectionable that was in Ms. Charles'  
16 possession. As I understand it, she gave us  
17 everything that she was able to salvage from the  
18 fire.

19 Q Tell me, as best you can, Mrs. Charles, what it  
20 was that you salvaged from the fire that you  
21 gave your counsel, documents?

22 A Well, it's two years and eight months, going  
23 into nine months, I really can't remember all  
24 that I salvaged.

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1 MR. MICHENZIE: For the record, I  
2 would like to be able to inspect a copy of  
3 whatever the original documents are that you  
4 have and given by your counsel.  
5 Q So when you got this notice, Exhibit 4, what did  
6 you do when you received it in either November  
7 or December of 2003.  
8 A Exhibit 4?  
9 Q Yes.  
10 MR. HOYT: Can I ask you to ask the  
11 question again. I'm not sure that I caught what  
12 the actual question is.  
13 MR. MICHENZIE: Can you read back the  
14 question, please?  
15 (The last question was read.)  
16 MR. HOYT: Objection.  
17 Q Do you understand the question?  
18 A Yes.  
19 Q When you received the notice, what did you do  
20 with it?  
21 MR. HOYT: Objection. She's not  
22 stated that she received the notice. You're  
23 putting words in her mouth.  
24 MR. MICHENZIE: Her testimony was

1 A Yes, a bill.  
2 Q A bill?  
3 A Yes.  
4 Q It didn't look like either Exhibit 3 or Exhibit  
5 4?  
6 A It looked like this (indicating).  
7 Q It looked like Exhibit 3?  
8 A Yes.  
9 Q You received that from whom again?  
10 A The Massachusetts Property Insurance  
11 Underwriting Association.  
12 Q Your testimony is that it's something that  
13 looked like Exhibit 3?  
14 A Yes.  
15 Q But it was not Exhibit 3?  
16 A Not from One Call agency.  
17 Q Did you receive a copy of Exhibit 3 from  
18 anybody?  
19 MR. HOYT: Objection. Go ahead and  
20 answer.  
21 Q Do you understand my question?  
22 A Yes.  
23 Q Okay.  
24 A Massachusetts Property Insurance.

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1 that she had part of Exhibit 4 that survived the  
2 fire, so presumably it existed before the fire,  
3 and she gave it to you.  
4 A Yes, but that was from the year before, 2002,  
5 insurance policy.  
6 Q 2002?  
7 A Yes.  
8 Q So it's not Exhibit 4 that you're talking about  
9 now?  
10 A Not for 2003.  
11 Q So let's clarify again, Mrs. Charles. Your  
12 testimony today is that you did not receive  
13 Exhibit 3 or Exhibit 4; is that right?  
14 MR. HOYT: Objection.  
15 A Not from Mr. Salant, no, not at all.  
16 Q Not from anybody?  
17 A No, I received a payment from the insurance  
18 company either late in November to early in  
19 December.  
20 Q A payment statement, a mortgage payment  
21 statement?  
22 A No, insurance.  
23 MR. HOYT: If I can clarify. A bill,  
24 not a payment.

1 Q So MPIUA, as far as you know, sent you  
2 Exhibit 3?  
3 A Yes.  
4 Q The exhibit that you have in front of you?  
5 A Yes.  
6 Q When you received that, what did you do with  
7 that document? What action did you take in  
8 response to receiving that document, if any?  
9 MR. HOYT: Objection.  
10 Q From time to time there will be objections from  
11 counsel in the room, but you need to answer the  
12 question unless your counsel instructs you to do  
13 otherwise.  
14 A Okay. I mailed it out to Ocwen Bank.  
15 Q What address did you mail it to?  
16 A Behind Ocwen statement that they sent the  
17 payment, they have an address to send the  
18 insurance to, and an address to send the  
19 property taxes to. That was the address that I  
20 sent it to where the insurance to go to.  
21 Q How did you send it? What way did you send it,  
22 regular mail?  
23 A Regular mail.  
24 Q Did you keep a copy of what you sent to Ocwen?

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1 A No.  
 2 Q Did you copy the envelope?  
 3 A No.  
 4 Q What was the address that you sent it to?  
 5 A I can't remember it out of my head, but behind  
 6 the bill, as I told you, there were the  
 7 addresses where you sent it to.  
 8 Q When did you do that?  
 9 A About two days after I received it that  
 10 insurance bill.  
 11 Q This Exhibit 3 has got a date billed December 4,  
 12 2003. Do you see that?  
 13 A Yes.  
 14 Q So you received that sometime after that date?  
 15 A Around that, yes.  
 16 Q Well, it's dated the 4th of December 2003.  
 17 A Yes.  
 18 Q Have you ever received a bill before the date on  
 19 the bill?  
 20 MR. HOYT: Objection.  
 21 A What bill?  
 22 Q Any bill. Have you ever received a bill from  
 23 the bank or an insurance company before the date  
 24 of the bill?

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1 MR. HOYT: Objection.  
 2 A Payment for Ocwen Bank.  
 3 Q It says, "Date billed, December 4, 2003." Do  
 4 you see that on Exhibit 3?  
 5 A Yes, I'm not speaking about insurance, I'm  
 6 speaking about my loan payment. I receive it  
 7 before?  
 8 Q Ma'am, we were just talking about Exhibit 3, and  
 9 you said you sent a copy of Exhibit 3 to Ocwen  
 10 Bank; is that right?  
 11 A The payment, this little part where you tear  
 12 off.  
 13 Q The payment invoice piece you sent to Ocwen  
 14 Bank?  
 15 A To Ocwen Bank, yes.  
 16 Q It says, "Date billed December 4, 2003." Do you  
 17 see that?  
 18 A Yes.  
 19 Q I'm talking about this document now, not a bill  
 20 that you received from Ocwen.  
 21 A Okay.  
 22 Q Would you agree with me that you received this  
 23 invoice sometime after December 4, 2003?  
 24 A Yes.

1 Q Then, within a few days after that, you mailed  
 2 it to Ocwen?  
 3 A Yes.  
 4 Q What did you put on the envelope? To whom did  
 5 you address it?  
 6 A I can't remember exactly, but it was the address  
 7 that they had on the back of the Ocwen bill that  
 8 I put it to.  
 9 Q Do you have any copies of Ocwen's bills?  
 10 A I think so.  
 11 Q Have you produced any to your counsel?  
 12 A I can't remember. I may have, as well as I may  
 13 not have.  
 14 Q Mrs. Charles, I'm going to ask you to take this  
 15 document request and review it again, and if you  
 16 have any documents that respond to that request  
 17 give them to your counsel.  
 18 A Okay.  
 19 Q We need those documents.  
 20 MR. HOYT: Sir, I will ask you not to  
 21 instruct my client.  
 22 MR. MICHENZIE: Sir, I will ask you  
 23 to do what you're obligated to do, which is to  
 24 give the document request to your client, so

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1 they can review --  
 2 MR. HOYT: If you have no evidence,  
 3 sir, that I have not done so, if you're accusing  
 4 me of not doing so, please bring a motion.  
 5 MR. MICHENZIE: Her testimony today  
 6 is that she hasn't seen that document request  
 7 before.  
 8 MR. HOYT: Please continue your  
 9 deposition, sir.  
 10 Q Mrs. Charles, the tenants that you had at 14  
 11 Ditson Street, how did they pay you, what form  
 12 of payment?  
 13 A The tenant on the first floor, she paid by a  
 14 check.  
 15 Q The third floor tenant?  
 16 A They paid cash.  
 17 Q Did you have a bank account at that time?  
 18 A Yes.  
 19 Q What was the name of the bank?  
 20 A Citizens Bank.  
 21 Q Do you still have that account open today?  
 22 A Yes, sir.  
 23 Q What branch is that?  
 24 A Well, it was opened in Jamaica Plain.

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1 off; is that right?

2 A Yes.

3 Q So when you mailed Exhibit 3, you just took that

4 document and mailed the invoice on the bottom

5 the way it was; is that right?

6 A Yes.

7 Q You put nothing on that document?

8 A No, because they have a number.

9 Q So what's on there is the policy number, and you

10 sent that document the way it was with no

11 notations whatsoever; is that right?

12 A No.

13 Q No, meaning yes, there was nothing on it; is

14 that right?

15 A That if I wrote a note or anything like that?

16 Q Right.

17 A No.

18 Q So you put no notations on that invoice. You

19 just sent it the way it was?

20 A Yes.

21 Q What else do you recall sending to Ocwen, other

22 than a tax statement or this invoice, Exhibit 3?

23 A Payments.

24 Q Payments. Where did you send the payments, do

1 an address that was provided?

2 A Yes.

3 Q Your testimony is that address was on the back

4 of your billing statement?

5 A Yes.

6 Q Which billing statement did you use for the

7 address when you sent this invoice out?

8 A They had the address printed, so all I did is

9 put it into the envelope in the window, and mail

10 it with the check.

11 Q Let's go back, again, for a second. This

12 document, this Renewal Offer/Premium Notice,

13 your testimony is that came from MPIUA, is that

14 right, Exhibit 3?

15 A Well, I will tell you the truth. I'm not so

16 sure, but it came -- how it came is my insurance

17 premium was going up 700 and something dollars

18 for the next year.

19 Q How did you know it was going up that much?

20 A Because they wrote it, they wrote me a letter

21 stating that my insurance will be -- it used to

22 be 1,200, it will be 1,900 and something, which

23 went up 700 and something dollars.

24 Q Who did that letter come from?

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1 you remember?

2 A Ocwen Federal Bank.

3 Q Where Ocwen Federal Bank? Do you know where?

4 Massachusetts?

5 A No, to Florida, I think it is. When they sent

6 out a statement, it always has a part for the

7 envelope. You just put the bill, and you put

8 your check.

9 Q Did you forward this invoice along with your

10 payment for your mortgage?

11 A Yes, you will have to send in a piece, yes.

12 Q So is it your testimony today that this invoice

13 for the insurance was submitted with your

14 payment in December of 2003?

15 MR. HOYT: Objection.

16 A No.

17 Q It was sent separately?

18 A Separately.

19 Q So you paid your bill using the envelope that

20 Ocwen sent you?

21 A Yes.

22 Q The bill for the mortgage payment?

23 A Yes.

24 Q But you separately sent this invoice to Ocwen to

1 A I really can't remember who it came from.

2 Q I just want to fully and as completely as

3 possible understand your testimony today. I

4 want to make sure I understand what you said.

5 Is it your testimony that with this invoice,

6 Exhibit 3, there was an envelope that came for

7 you to put this invoice in and mail it off?

8 MR. HOYT: Objection.

9 A Which invoice?

10 Q Exhibit 3.

11 A No, not the tax paper.

12 Q This is an insurance premium, ma'am.

13 A The insurance premium, no.

14 Q Please put Exhibit 3 in front of you so that

15 we're clear what we are talking about.

16 A (Witness complies.)

17 Q When this invoice was mailed out, what exactly

18 did you do? Did you just cut the invoice off,

19 put it in an envelope, write an address on the

20 envelope and mail it out?

21 A Yes.

22 Q So it didn't come with a return envelope?

23 A No.

24 Q So Exhibit 3 came from somebody, your testimony,



1 Q So other than just sending out that invoice the  
2 way it is, you took no action to insure that the  
3 bank received it; correct?  
4 A Correct. I was in hospital in December month.  
5 Q But you made no phone calls to Ocwen?  
6 A No.  
7 Q You didn't send it certified mail?  
8 A No, sir.  
9 Q You didn't contact One Call or MPIUA, did you,  
10 to confirm that the policy had been paid?  
11 A No.  
12 Q So the only thing you did was send out that  
13 invoice?  
14 A Yes, sir.  
15 Q Had you ever been canceled before for nonpayment  
16 of an insurance premium?  
17 A That is with Option One.  
18 Q What year was that? Was it in 2000?  
19 A 2000 -- I can't remember if I had a cancellation  
20 at that time. I don't recall that. I know it  
21 was with Option One we had canceled.  
22 (The document was marked as Exhibit  
23 No. 9.)  
24 Q We have marked as Exhibit 9 here, Defendant One

1 been marked as Exhibit 10, this is a letter  
2 dated August 7, 2000, addressed to you from  
3 Harold Salent. Do you see that?  
4 A August the 7th, 2000?  
5 Q Correct.  
6 A (Witness reviews document.)  
7 Q Do you recall receiving that?  
8 A I really can't remember this at all.  
9 Q Any reason to believe that you didn't get a copy  
10 of this?  
11 MR. HOYT: Objection.  
12 A I can't remember.  
13 (The document was marked as Exhibit  
14 No. 11.)  
15 Q Mrs. Charles, I'm going to show you what has  
16 been marked as Exhibit 11. Do you recall having  
17 your insurance canceled for nonpayment in 1999?  
18 A (Witness reviews document.)  
19 MR. MICHENZIE: For the record, this  
20 is a handwritten note that was produced, I  
21 believe, by One Call, it's dated 7/16/99.  
22 MR. HOYT: I will object to this being  
23 introduced.  
24 MR. MICHENZIE: It's not going into

1 Call Insurance Agency, Inc.'s Answers to  
2 Defendant Ocwen Federal Bank, FSB's First  
3 Interrogatories. I'm going to ask you,  
4 Mrs. Charles, to take a look at that and tell me  
5 if you have ever seen that document.  
6 A (Witness reviews document.)  
7 MR. HOYT: Well, I never sent it to  
8 you.  
9 A Never.  
10 Q You have never seen that before?  
11 A No.  
12 Q I will just call your attention to interrogatory  
13 answer 17.  
14 A (Witness reviews document.) No, this is not  
15 true.  
16 Q Does that help you refresh your memory in any  
17 way in terms of having any other discussions  
18 with Mr. Salent?  
19 A The only discussion I had with Mr. Salent on  
20 that day when he told me to get someone to go  
21 down to pay that insurance.  
22 (The document was marked as Exhibit  
23 No. 10.)  
24 Q Mrs. Charles, I'm going to show you what has

1 evidence, it's being marked as a deposition  
2 exhibit.  
3 MR. HOYT: Well, I'm not sure what it  
4 refers to.  
5 Q Have you ever seen this before?  
6 A I can't remember this at all.  
7 Q You have no memory of being canceled in 1999,  
8 your insurance canceled in 1999?  
9 A I can't remember. But first of all, Mr. Salent  
10 never sent like a written note like this. If  
11 anything, it's a typewritten letter.  
12 Q Mrs. Charles, my question is, have you ever seen  
13 this document before?  
14 A No.  
15 Q You have no memory --  
16 A I don't believe so at all.  
17 Q You have no memory of being canceled in 1999?  
18 A I can't remember. What bank that was with when  
19 that was canceled?  
20 Q I get to ask those questions, Mrs. Charles. You  
21 don't recall receiving a letter the following  
22 year instructing you to contact your mortgage  
23 company about the renewal --  
24 MR. HOYT: Objection.

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1 MR. HOYT: I'm just objecting because  
 2 all of her knowledge came through us.  
 3 Q Was a claim made on your behalf to the insurance  
 4 company?  
 5 A It's so long after that. This guy left a  
 6 message for me, and when I did get back to him,  
 7 I gave Mr. Hoyt his number that Mr. Hoyt would  
 8 speak to him, because I did not understand about  
 9 these things.  
 10 Q But my question to you is, are you aware of any  
 11 claim being made against this Assurant policy to  
 12 pay for repairs to your property?  
 13 A I know they went into the property.  
 14 Q Did you sign any documents that were submitted  
 15 to the insurance company so that you could be  
 16 paid for the damage to your property?  
 17 A No, sir.  
 18 Q You never did?  
 19 A No.  
 20 Q Did you ever receive any money from any  
 21 insurance company?  
 22 A No, sir.  
 23 Q Are you aware that there was a check cut by the  
 24 insurance company?

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1 A Mr. Hoyt told me so.  
 2 Q Are you also aware that the check was returned?  
 3 A Yes.  
 4 MR. HOYT: I need to clarify. Your  
 5 office has that check. We can go off the  
 6 record.  
 7 MR. MICHENZIE: I understand. This  
 8 isn't about my knowledge, this is about what she  
 9 knows.  
 10 MR. HOYT: All right, I just wanted to  
 11 be sure it wasn't lost.  
 12 Q Why didn't you cash the check?  
 13 A Me?  
 14 MR. HOYT: Objection.  
 15 Q Yes.  
 16 A I never received a check in my hand.  
 17 Q If I gave you that check today, would you cash  
 18 that check?  
 19 MR. HOYT: Objection.  
 20 A No, sir.  
 21 Q Why not?  
 22 MR. HOYT: Objection.  
 23 A Because right now anything it's in my lawyer's  
 24 hand. I cannot cash a check.

1 MR. HOYT: Do you want to go off the  
 2 record? Are you prepared to -- We would love to  
 3 start construction. Are you prepared to endorse  
 4 that on behalf of Ocwen? They are obviously a  
 5 payee, loss payee.  
 6 MR. MICHENZIE: Why don't we go off  
 7 the record here.  
 8 (Discussion off the record.)  
 9 (The document was marked as Exhibit  
 10 No. 13.)  
 11 Q Mrs. Charles, I'm putting in front of you a  
 12 document marked Exhibit 13. This is a letter to  
 13 you dated February 3, 2003 from Runan Belcher,  
 14 Claims Examiner, at the Assurant Group. Do you  
 15 recall receiving that letter?  
 16 A (Witness reviews document.)  
 17 Q Is there an answer to that question?  
 18 A I can't remember at all.  
 19 Q Did you ever have any discussions with Runan  
 20 Belcher?  
 21 A I can't remember the name, but I returned a  
 22 gentleman's call, and he was to call me back and  
 23 he never called back. Then somebody else  
 24 called, and I gave the number to Mr. Greene's

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1 office because I could not handle it anymore. I  
 2 could not.  
 3 Q When was that?  
 4 A It is somewhere in 2004.  
 5 Q Sometime in February of '04?  
 6 A Yes, sometime.  
 7 Q There were communications from Assurant Group;  
 8 is that right?  
 9 MR. HOYT: Objection.  
 10 A I really can't say Assurant Group or who group.  
 11 They leave a message, call them, this is  
 12 somebody from someplace about the fire.  
 13 Q Was it to adjust an insurance claim for the  
 14 fire?  
 15 A I can't remember what the person said. All I  
 16 remember that I called back that person, one  
 17 never called back. Then another one called, and  
 18 I gave the number to Mr. Greene, I said, "I  
 19 cannot handle it."  
 20 Q What did you understand those calls were about?  
 21 A The property.  
 22 Q The insurance on the property?  
 23 A One said it was insurance. When one called, I  
 24 said, "The property has no insurance."

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1 Q What did they say?

2 A He said he's from someplace. I said, "Well, all  
3 you have to do is get to my lawyer, because I  
4 cannot handle it."

5 Q So this was in February of 2004?

6 A Yes.

7 Q Mrs. Charles, I'm going to ask you to put  
8 Exhibit 5 in front of you, please.

9 A (Witness complies.)

10 Q These are your interrogatory answers; correct?

11 A Yes.

12 Q Ma'am, I will represent to you that in your  
13 complaint in paragraph 78 of the complaint you  
14 filed against the defendants, you alleged that  
15 the defendants conduct caused plaintiffs  
16 emotional distress. In your answer to  
17 interrogatory 12, it was stated for you --

18 MR. HOYT: Objection.

19 Q Do you see the answer there, "Plaintiff states  
20 that the defendant Ocwen's actions and inactions  
21 as alleged in her many complaints and pleadings  
22 has effectively destroyed plaintiff's quality of  
23 life, causing amongst other hardships severe  
24 emotional distress."

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1 A Oh yes.

2 Q Can you tell me, ma'am, whether you have  
3 received any treatment for this distress? Have  
4 you seen any counselors?

5 A No.

6 Q Any medical help?

7 A No.

8 Q Any hospitalization?

9 A Not emotional, no.

10 Q Have you suffered any financial loss?

11 A A lot.

12 Q Tell me what your financial loss is?

13 A Well, my rent upstairs was 2,000 per month,  
14 downstairs was 1,200. I had furniture that  
15 furnished the top floor and my floor, which I  
16 have nothing left. Nothing remained. I just  
17 had to buy like a box spring and a mattress to  
18 lay on, to sleep on. Nothing was retained but a  
19 few pieces of clothes, which I had to put to  
20 wash for days.

21 Q Have you made any attempts at all to repair the  
22 property?

23 A I can't, because I have to pay rent.

24 Q Did you get any estimates to repair the

1 property?

2 A Yes, sir.

3 Q Have those estimates been produced in this case?

4 MR. HOYT: I'm not sure.

5 MR. MICHENZIE: I'm just requesting a  
6 copy.

7 MR. HOYT: They're fairly recent  
8 stuff. I will check on it.

9 Q So there have been no repairs to the property at  
10 all?

11 A No, sir.

12 Q The reason why is because you don't have the  
13 money to make the repairs; is that right?

14 A No, sir.

15 Q Have you made any attempts to go to a bank to  
16 borrow money to make repairs?

17 A They won't lend me money on a house that is  
18 burnt.

19 Q But have you made any attempts to go to a bank?

20 A No.

21 Q Any attempts to secure any financing to make  
22 repairs to the property?

23 A No, sir.

24 Q To borrow money to make the repairs from

1 anybody?

2 A No. One guy came to me and I know he was a loan  
3 shark, so I did not accept it.

4 Q Mrs. Charles, were you ever late on any mortgage  
5 payments before the fire?

6 A Not of my doing. Once a mortgage payment was  
7 late to Washington Mutual because of the  
8 refinancing.

9 Q Were you ever late on making any payments to  
10 Ocwen?

11 A No, sir.

12 Q You haven't made a mortgage payment since the  
13 fire loss; is that right?

14 A No, sir.

15 Q Do you know whether you were reported 30 days  
16 late at any time prior to the fire for mortgage  
17 payments to Ocwen?

18 A No, I can't remember that. Not at all.

19 Q Have you ever seen a copy of any credit reports?

20 A I did not.

21 (The document was marked as Exhibit  
22 No. 14.)

23 Q Mrs. Charles, I'm going to give you what's been  
24 marked as Exhibit 14 to review. It's a five



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1 Q What is your understanding of what a reference  
2 is?

3 A When somebody refers you as a person in a job or  
4 anything, like a good reference or whatever it  
5 is.

6 Q Do you know what that term means with respect to  
7 an insurance policy?

8 A No, sir.

9 Q Are you aware of your insurance claim against  
10 Assurant or against MPIUA being sent to a  
11 referral or for a referral? Have you ever heard  
12 that before?

13 MR. WHOLLEY: Objection.

14 A No, I never heard it. Never knew about anything  
15 like that.

16 (The document was marked as Exhibit  
17 No. 18.)

18 Q Ma'am, I'm going to show you what's been marked  
19 as Exhibit 18. It's called a Producers'  
20 Operation Manual, and ask you if you have ever  
21 seen that document before?

22 A (Witness reviews document.) No, I have never  
23 seen anything like this.

24 (The document was marked as Exhibit

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1 No. 19.)

2 Q Mrs. Charles, what's before you now has been  
3 marked as Exhibit 19. This is a Statement of  
4 Loss from MPIUA. It is a 33-page document, and  
5 ask you if you have ever seen that document  
6 before today?

7 A (Witness reviews document.)

8 MR. HOYT: Any idea if this was  
9 produced by MPIUA?

10 MR. MICHENZIE: I think it was  
11 produced by MPIUA.

12 A I've never seen that.

13 Q You've never seen that?

14 A No.

15 Q Did you ever get a letter that is what we call a  
16 Reservation of Rights letter? Do you understand  
17 what that is?

18 A No, sir.

19 Q Other than the letter that we've marked as  
20 Exhibit 15, have you received any other letters  
21 from MPIUA?

22 A No.

23 (The document was marked as Exhibit  
24 No. 20.)

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1 Q Ma'am, what I have marked now as Exhibit 20 is a  
2 letter dated July 29, 2005 from Ruman Belcher of  
3 Assurant to Frank Hall at MPIUA, attached to  
4 which is a Statement of Loss or actually an  
5 Adjuster Summary. It is a 13-page document.  
6 Have you see this document before today?

7 A (Witness reviews document.) No, sir.

8 Q You were aware of a check in the amount of  
9 \$86,489.91 that was issued from Assurant with  
10 respect to the fire loss?

11 A That is what my lawyer told me.

12 Q When were you first made aware of that check?

13 A It was in 2005. I can't remember exactly.

14 Q This year? Last year?

15 A Last year.

16 MR. MICHENZIE: I'm just going to go  
17 off the record for two minutes.

18 (Off the record.)

19 BY MR. MICHENZIE:

20 Q Mrs. Charles, were you contacted directly by  
21 anyone from Ocwen Federal Bank after February 2,  
22 2004?

23 A No.

24 Q No phone calls?

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1 A A lot of phone calls came from someone called  
2 Jordon. She just used to say, "This is Jordon  
3 from Ocwen Federal Bank calling for payment." A  
4 lot of that.

5 Q Who did she call?

6 A Me.

7 Q She called you?

8 A Yes, she left the messages.

9 Q You never spoke to her?

10 A I called once, and I didn't get the person. And  
11 she called back -- See, I'm a lady that goes to  
12 work on a morning, I leave home many times like  
13 7, 6:30, 7:30, because I take care of the  
14 elderly on mornings. From there, I go to  
15 Brigham & Women's Hospital. I get home at 12 in  
16 the night. So I take the message. When I am  
17 off -- like today I'm off of Brigham. My  
18 patient I had to do today I did on Monday, so I  
19 compensated here. So today I'm free. When I'm  
20 free, I will return my calls.

21 Q Did you ever tell this person or anybody that  
22 called from Ocwen not to call you?

23 A Yes, I left a message, I said, "Please do not  
24 call back. Anything, to contact my lawyer,

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1 A Yes.

2 Q I want to ask you a few more questions about how  
3 you were getting your mail after the fire  
4 happened. If I heard you correctly, I'm not  
5 sure if you did, you still had a mailbox at the  
6 Ditson Street property?

7 A No, I did not have a mailbox there. They kept  
8 it at the post office. I went to the post  
9 office and I picked it up until they transferred  
10 the address, until I got the apartment and they  
11 transferred the address.

12 Q After the fire, did you have to do something  
13 with the post office to have your Ditson Street  
14 mail forwarded to the post office?

15 A Yes, sir.

16 Q When did do you that?

17 A As soon as I got the apartment I did it.

18 Q Which was within about ten days after the fire?

19 A Yes.

20 Q Approximately?

21 A Yes.

22 Q Once you placed that forwarding order with the  
23 post office, you were, in fact, receiving your  
24 mail that had been sent to the Ditson Street

1 bill, and as soon as I receive something like  
2 these things, I mail it out the same time. I do  
3 not put things down to send it out. I do just  
4 what I have to do.

5 Q I just want to get the best understanding I can.  
6 What was your understanding as to what  
7 expiration date 1/8/04 meant?

8 A I know what it means, that if this bill was not  
9 paid by that time, my insurance would be  
10 canceled.

11 Q And that would have been your understanding in  
12 early '03?

13 A Oh, yes.

14 Q Early December '03?

15 A Yes.

16 Q Did you do anything between January 8, '04 and  
17 the time of the fire to determine whether or not  
18 your insurance had been paid?

19 A No, I did not ask anyone or call anyone.

20 Q Now, you said earlier that sometime after your  
21 lawsuit was filed, you did give a statement  
22 under oath to Assurant Group; correct?

23 A Yes.

24 Q That was a statement that was being transcribed

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1 address; correct?

2 A Yes, at the post office.

3 Q Has that been the case from the time you placed  
4 that forwarding order all the way up until the  
5 present? In other words, do you still go to the  
6 post office to pick up your mail that was sent  
7 to the Ditson Street address?

8 A No, no, no. All the mails come to the new  
9 address. About two weeks after, they started  
10 sending it to the new address.

11 Q Now, you have Exhibit 3 in front of you still?

12 A Yes.

13 Q When you received that, did you notice that it  
14 stated expiration date 1/8/04 on it?

15 A 1/8/04?

16 MR. HOYT: Is the question that back  
17 in '04, did she?

18 MR. CHAPMAN: Yes.

19 Q Let me ask it again. When you received Exhibit  
20 3 in the mail in early December '03, did you  
21 notice that the document said "Expiration Date  
22 1/8/04."

23 A I really specifically cannot tell you I remember  
24 the date, but I am a person when I receive a

1 with a court reporter similar to what we're  
2 doing now. Is that fair to say?

3 A Yes.

4 MR. HOYT: I believe it was tape  
5 recorded.

6 A Tape recorded. That was tape recorded.

7 Q Do you know if that tape recorded statement was  
8 transcribed, reduced to writing?

9 A I don't know.

10 Q So you never reviewed any transcription of the  
11 statements you gave to Assurant Group?

12 A Not to my memory, no.

13 Q Can you put Exhibit 17 in front of you, please?

14 A (Witness complies.)

15 Q This is your letter to the MPIUA, correct, from  
16 1998?

17 A Yes.

18 Q Just a quick question on this. In the last line  
19 of your letter where it says, "Please feel free  
20 to contact me or my agent." Who was your agent  
21 back in --

22 A Mr. Weeks, but he died.

23 Q Did he work with an insurance agency? Do you  
24 remember the name of the company he worked for?

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1 A Yes. That's the guy who called. Okay. And I  
 2 said, "Okay, I will give you Mr. Greene's  
 3 number," and he never got back to me or anything  
 4 like that. Because it's a Chinese name, I  
 5 remember him by Young.  
 6 Q Are you saying that you did have a telephone  
 7 conversation with Ian Young shortly after the  
 8 fire?  
 9 A We didn't have a big conversation. He just said  
 10 he represented some insurance company. I said,  
 11 "I do not have insurance on the property." I  
 12 told him that. I say, "I do not have insurance  
 13 on the property. The property has no insurance.  
 14 This is my lawyer's number. You can speak to  
 15 him."  
 16 Q So your testimony is that you gave Mr. Young  
 17 Mr. Hoyt's telephone number?  
 18 A Mr. Greene. His boss.  
 19 MR. HOYT: My firm.  
 20 Q Did you have any further telephone discussion  
 21 with Mr. Young after that?  
 22 A No.  
 23 Q When you told Mr. Young you don't have any  
 24 insurance, did he tell you that you do have

1 you had indicated. correct me if I'm wrong, that  
 2 you got a letter back from MPIUA with that check  
 3 for \$1,906 saying that MPIUA couldn't write any  
 4 coverage because the property was damaged. Is  
 5 that right?  
 6 A Yes, sir.  
 7 Q Is that the letter you were talking about?  
 8 A Yes.  
 9 Q So you did receive that?  
 10 A Yes, I did receive that.  
 11 Q Did that have the check enclosed?  
 12 A No.  
 13 Q But at that point in time, you knew from MPIUA's  
 14 perspective that there was no coverage in  
 15 effect, and they wouldn't write coverage until  
 16 the property would be repaired; right?  
 17 A Be repaired, yes.  
 18 Q Exhibit 22, I know you stated to Mr. Chapman you  
 19 don't recall whether you received this or not;  
 20 is that right? You just don't remember?  
 21 A I know I received like this stating that Ocwen  
 22 tried to pay the insurance.  
 23 Q Am I correct in stating that that \$1,906 check,  
 24 based on your understanding, was paid by Ocwen

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1 insurance, and it's with this forced placed  
 2 insurance company?  
 3 A To the best of my knowledge, no.  
 4 MR. CHAPMAN: I think that's all I  
 5 have. Thank you.  
 6 MR. WHOLLEY: I will be brief.  
 7  
 8 CROSS EXAMINATION  
 9 BY MR. WHOLLEY:  
 10 Q Ms. Charles, my name is Rich Wholley, I'm  
 11 representing MPIUA here today. I'm just going  
 12 to come over there, too.  
 13 MR. WHOLLEY: Can I mark this as the  
 14 next exhibit, please  
 15 (The document was marked as Exhibit  
 16 No. 25.)  
 17 Q I want to place a document in front of you,  
 18 Ms. Charles. Would you take a look at that and  
 19 tell me when you have had a chance to review it.  
 20 A (Witness reviews document.)  
 21 Q Did you have a chance to review that?  
 22 A Yes, sir.  
 23 Q A few moments ago when Mr. Chapman, down the end  
 24 of the table there, was questioning you, I think

1 or attempted to be paid by Ocwen to MPIUA?  
 2 A Yes.  
 3 Q And you understand that they attempted to make  
 4 that payment after the fire loss in February 2,  
 5 2004?  
 6 A Yes, sir.  
 7 Q Then you did get Exhibit 25, which advised you  
 8 that MPIUA was not accepting that check?  
 9 A Yes, sir.  
 10 Q For the reasons we have discussed?  
 11 A Yes.  
 12 Q Now, going back to Exhibit 3. As I understand  
 13 your testimony, when you received this in early  
 14 December of 2003, you understood that unless  
 15 MPIUA received a premium payment, which is  
 16 indicated on here, a minimum of \$476.56, unless  
 17 they received that by January 8 of 2004, your  
 18 coverage with MPIUA would lapse. You understood  
 19 that; right?  
 20 A Yes, I know that.  
 21 Q That's why, just like you had done the year  
 22 prior in December of '02, again in December of  
 23 '03, you sent this thing to Ocwen?  
 24 A To Ocwen, yes, I did.

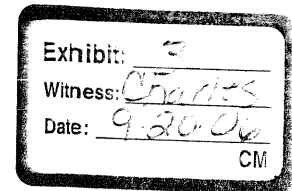
## EXHIBIT 9



## MASSACHUSETTS PROPERTY INSURANCE UNDERWRITING ASSOCIATION

(617) 723-3800

392-6108



Insured's Name and Mailing Address

JOAN CHARLES A/K/A JOAN F. GREAVES  
14 DITSON STREET  
DORCHESTER, MA 02122

Producer

ONE CALL INS AGCY., INC.  
121 B TREMONT ST  
BRIGHTON MA 02135

Expiration Date 01/08/ 2004

Policy Number 0662672 - 4

The Association offers to renew this policy. To accept this renewal offer please return the tear-off portion of this invoice and payment to the Association. To avoid a lapse in coverage this invoice and payment must be received by the Association on or before the Expiration date/Due date. If payment is received within sixty days of the Expiration date/Due date the policy will be renewed as of the date of the Associations receipt of the payment. Payments received by the Association more than sixty days after the Expiration date/Due date will be rejected and the policy will not be renewed.

Any changes to the Renewal Policy may only be made by submitting an Endorsement Request to the Association after you have paid this invoice. To make the changes effective as of the inception date of the Renewal Policy, the Endorsement Request must be received by the Association on or before the inception date of the Renewal Policy.

Please Remember

- \* Read the Inspection and Credit reporting notices on the reverse side.
- \* Make your check payable to MASSACHUSETTS PROPERTY INSURANCE UNDERWRITING ASSOCIATION
- \* Write your policy number on your check.
- \* Mail the original tear-off portion of this Offer/Invoice and your check in the enclosed envelope.
- \* Mail only one original Offer/Invoice and one check per envelope. Copies of the Offer/Invoice cannot be processed by the lockbox.
- \* Do not send any other correspondence with this Offer/Invoice and your check.
- \* Do not send cash.
- \* Mail this Invoice and your check to the address below.

UMAEXPIH

Tear Here \_\_\_\_\_  
PLEASE WRITE YOUR POLICY NUMBER ON YOUR CHECK AND RETURN THIS INVOICE WITH YOUR PAYMENT IN THE ENVELOPE PROVIDED. INVOICE \_\_\_\_\_ Tear Here

Insured's Name: JOAN CHARLES A/K/A JOAN F. GREAVES

Policy Number: 0662672 - 4

Date Billed	Premium Due	Minimum Due	Due Date	Amount Enclosed
12/04/ 2003	\$1,906.00	\$476.50	01/08/ 2004	

Please make sure your check is made payable and sent to:

MASSACHUSETTS PROPERTY INSURANCE UNDERWRITING ASSOCIATION  
PO BOX 9693  
MANCHESTER, NH 03108-9693

06626722000040001700000004765020040308

## EXHIBIT 10

HOMEOWNERS POLICY PROGRAM  
THIS IS NOT A BINDER OF INSURANCE

MASSACHUSETTS PROPERTY INSURANCE UNDERWRITING ASSOCIATION  
Two Center Plaza, Boston, Massachusetts 02108-1904  
(617)723-3800, (800)392-6108, FAX (617)557-5678

12/04/2003

## POLICY NUMBER

0662672 - 4

## EXPIRATION DATE

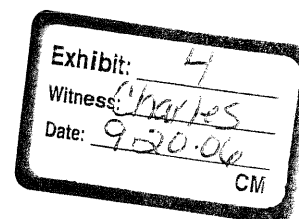
01/08/2004

## NAMED INSURED &amp; MAILING ADDRESS

JOAN CHARLES A/K/A JOAN F. GREAVES  
14 DITSON STREET  
DORCHESTER MA 02122

## PRODUCER

ONE CALL INS AGCY., INC.  
121 B TREMONT ST  
BRIGHTON MA 02135



The policy will expire at 12:01 A.M., standard time, on the expiration date shown and will not automatically be renewed. To renew your insurance, return the tear-off portion of the Renewal Offer/Premium Invoice with either the Premium Due or Minimum Due.

THE RESIDENCE PREMISES COVERED BY THE POLICY IS LOCATED AT:  
14 DITSON STREET, DORCHESTER, MA 02122

This offer applies to the Residence Premises. Coverage is provided where a Premium or Limit of Liability is shown for the Coverage.

## SECTION I COVERAGES:

		LIMIT OF LIABILITY	PREMIUM
A	Dwelling		
B	Other Structures	\$351,000	\$2,196
C	Personal Property	\$17,550	
D	Loss of Use	\$105,300	
		\$105,300	

## SECTION II COVERAGES:

E	Personal Liability		
F	Medical Payments to Others	\$300,000	\$61
		\$1,000	

TOTAL BASE PREMIUM \$2,257

DEDUCTIBLE SECTION I: \$1,000 EXCEPT \$2,000 FOR WINDSTORM OR HAIL.

IN CASE OF SECTION I LOSS, WE COVER ONLY THAT PART OF THE LOSS OVER THE DEDUCTIBLE STATED.

FORM & ENDORSEMENTS made part of this offer at the time of issue.

DED ADJ	10/00	DEDUCTIBLE ADJUSTMENT	
HO 00 03	10/00	SPECIAL FORM	-\$258
HO 01 20	09/01	SPECIAL PROVISIONS - MASSACHUSETTS	
HO 04 16	10/00	PREMISES ALARM OR FIRE PROTECTION SYSTEM	
HO 04 27	04/02	LIMITED FUNGI, WET OR DRY ROT, OR BACTERIA COVERAGE	-\$44
HO 04 96	10/00	NO SECTION II-LIABILITY FOR HOME DAY CARE COVERAGES	
HO 23 71	09/01	MASSACHUSETTS TENANTS RELOCATION EXPENSE	
HO 24 41	09/01	LEAD POISONING EXCLUSION - MASSACHUSETTS	\$8
HO FP	12/01	SPECIAL ENDDORSEMENT	-\$57

TOTAL PREMIUM ADJUSTMENT -\$351

TOTAL ANNUAL PREMIUM \$1,906

25% DOWNPAYMENT (IF APPLICABLE) \$476.50

MORTGAGEE  
CITIZENS FEDERAL BANK FSB  
1500 ATIMA  
1 WILLIS ST  
NEW BEDFORD MA 02740

MORTGAGEE  
CONSECO FINANCE MTG CORP  
ISAOA ATIMA  
P O BOX 6075  
RAPID CITY SD 57709-6075

INSURANCE INFORMATION: FAMILY 0003 Frame TERRITORY 02 PROTECTION 02

TO INSURED: THE RENEWAL OFFER/PREMIUM INVOICE HAS BEEN SENT TO YOUR PRODUCER  
IF IT IS NOT ENCLOSED WITH THIS NOTIFICATION.

12-04-2003

UMAHOEXP

INSURED COPY